IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 13752 of 2005

Between:

S. Prabhakar, S/o Late Sri S. Rama Naidu,
R/o H.No. 3-37, CB Road, Grimspet, Chittoor District.

..... PETITIONER

AND

1 Deputy Registrar of Cooperative Societies, Chittoor.
2 Sri B. Sriramulu, Deputy Registrar of Co-op Societies, Chittoor.
3 District Cooperative Officer, Chittoor.
4 The Registrar of Cooperative Societies, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction particularly one in the nature of mandamus declaring the action of the first respondent in not observing the principles of natural justice and the procedure contemplated and explained by this Court in respect of the proceedings under Sec. 60 A.P. Cooperative Societies Act, 1964 in respect of Proceedings Vide Rc.No. 1210/2004-B, dated 5-5-2005 as illegal, arbitrary *ab initio* void and direct compliance of the procedure as explained in Sammeta Rama Subba Rao Vs. President, Kaikaluru Irrigation and Power Department Sub-Divisional Employees Coop. Credit Society and others reported in 1994 (1) APLJ Societies, Srikakulam reported in 1998 (1) ALT 482 (DB), by further directing change of the Officer to conduct the enquiry.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR COOPERATION

The Court at the stage of admission made the following:

ORAL ORDER:

The grievance in this Writ Petition is that the 1st respondent (impleaded as 2nd respondent-eo-nominee) was biased, had pre-determined the entire issue and had acted in gross violation of principles of natural justice in issuing proceedings dated 5.5.2005 initiating action against the petitioner under Section 60 of the Andhra Pradesh Co-operative Societies Act (for short the Act).

2. Dr.P.B.Vijaya Kumar, learned counsel for the petitioner, submits that the 2nd respondent has since retired from service and a new incumbent has taken charge of the office of the 1st respondent, and in the light of the changed circumstances, the learned counsel submits, the petitioner would be satisfied if the proceedings are heard and disposed of in accordance with law. He, however, apprehends that the judgments of this Court, in S.MOOSA ALI HASHMI vs. SECRETARY, A.P. STATE ELECTRICITY BOARD, VIDYUT SOUDHA, HYDERABAD[1] and CHALLA SANYASINAIDU vs. DEPUTY REGISTRAR OF CO-OP. SOCIETIES, SRIKAKULAM[2], which according to the learned counsel, are directly applicable to the facts of the present case, would not be considered by the 1st respondent.

3. I see no basis for such apprehension. It is open to the petitioner to place all judgments, which he consider to be relevant, before the 1st respondent and the 1st respondent shall consider and dispose of the surcharge proceedings initiated under Section 60 of the Act in respect of proceedings dated 5.5.2005 and 16.5.2005.

4. The learned counsel for the petitioner further submits that no orders have been passed in the earlier surcharge proceedings dated 11.11.2004 and hence the 1st respondent may be directed to pass orders thereon also, in accordance with law.

5. The learned Government Pleader for Cooperation submits that he is not aware as to whether or not the said surcharge proceedings are pending.

6. Needless to state that if the surcharge proceedings dated 11.11.2004 has not been disposed of as on date, the 1st respondent shall consider and pass appropriate orders thereon also, in accordance with law.

7. The Writ Petition is disposed of accordingly. No costs.

14.07.2005

SSR

To

1 The Deputy Registrar of Cooperative Societies, Chittoor.
2 Sri B. Sriramulu, Deputy Registrar of Co-op Societies, Chittoor.
3 District Cooperative Officer, Chittoor.
4 The Registrar of Cooperative Societies, Government of Andhra Pradesh, Hyderabad.

5 2 CCs to G.P. for Cooperation, High Court of A.P. Hyderabad. (OUT)

6 2 CD copies

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